UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/SR.455
12 June 1998

ENGLISH
Original: FRENCH

COMMITTEE ON THE RIGHTS OF THE CHILD

Eighteenth session

SUMMARY RECORD OF THE 455th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 19 May 1998, at 10 a.m.

Chairperson: Mrs. KARP

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GE.98-16259 (E)

The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4)

Initial report of Hungary (CRC/C/8/Add.34; HRI/CORE/1/Add.11; CRC/C/Q/HUN/1; CRC/C/A/HUN/1; written replies of the Government of Hungary to the questions raised in the list of issues)

1. At the invitation of the Chairperson, Mr. Koncz, Mr. Náray, Mrs. Szegó Bokorné, Mr. Herczegh, Mr. János Szabó, Mrs. Weller, Mr. Gellért Szabó and Mr. Lakatos (Hungary) took places at the Committee table.

2. The CHAIRPERSON welcomed the delegation of Hungary and invited it to reply to questions 1 to 8 of the list of issues (General measures of implementation).

3. Mrs. SZEGÓ BOKORNÉ (Hungary) outlined the overall economic and political situation in Hungary. The rule of law had been established in Hungary since the change in political regime. The Constitution embodied all human rights, and the laws were consistent with the international instruments ratified by her country, i.e. the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the Convention on the Rights of the Child.

4. The period of transition to a market economy through which Hungary was currently passing, along with other countries in central and eastern Europe, was causing many economic problems, notably to the advent of unemployment and inflation, which were putting families, and therefore children, under stress. Children whose parents were unemployed or lacking in skills were particularly disadvantaged. In those circumstances, her Government had adopted a two-year plan aimed at improving the living standards of Roma, who suffered not only from the unfavourable economic climate, but also from prejudice against them.

5. Since the submission of the initial report (CRC/C/8/Add.34), the Protection of Children Act (No. XXXI) had been adopted. It established children's fundamental rights, set forth the rights and duties of parents, defined the working methods of institutions supervising children and laid down the rules of the guardianship system. It also encouraged the activities of citizens' organizations that could help to improve the situation of children. In addition, political institutions concerned with the rights of the child had been set up in Hungary; they were the Coordination Council for Children and Youth Affairs, which established political guidelines, and the Council for the Reconciliation of Youth and Children's Interests, which was responsible for carrying out activities in accordance with those guidelines. She assured the members of the Committee that the report had been widely publicized, and that their comments and advice would be studied with great care and published.

6. Mrs. PALME said she understood the structural difficulties linked to economic and political changes which were being encountered by the Hungarian Government, especially with regard to the schooling of children and the situation of children from vulnerable groups. In that connection, she would

welcome information on the monitoring of children's schooling in general and that of Rom children in particular. She wished to know the problems raised by the teaching of the rights of the child, notably to the police. She also requested clarification of the way in which budgetary allocations were made at central and local government levels. Lastly, she requested further information about children's participation in programmes concerning them.

7. Mr. RABAH said he wished to have details of the way in which the economic and political system influenced compliance with the Convention. He asked whether there had been a study comparing the current situation with that under the previous regime. What areas were covered by the Protection of Children Act? Were there any inconsistencies between Hungarian legislation and the Convention? Had steps been taken to combat discrimination against Rom children?

8. Mr. KOLOSOV considered that Hungarian legislation set out to protect children rather than confer individual rights on them, as required by the Convention. He stressed that children must become genuine partners of adults. He would like the delegation to describe the obstacles being encountered by the country in the implementation of the laws and action plans adopted. He hoped that the dialogue between the delegation and the Committee would result in recommendations which would be conveyed to the Hungarian authorities and help to back up the activities of the Coordination Council for Children and Youth Affairs.

9. The CHAIRPERSON, speaking in a personal capacity, wished to know the total number of children under the age of 18 in Hungary. She would also like to know more about the current process of legal harmonization and the deadline for its completion. As to decentralization, she wondered whether the disparity in the subsidies the various local authorities granted to services for children was not likely to entail de facto discrimination as far as the quality of, and access to, those services were concerned. Was the Coordination Council empowered to issue guidelines to local authorities with a view to fixing minimum standards, setting priorities and harmonizing services? Were its decisions immediately enforceable or did they first require government approval? Had the Council devised a long-term comprehensive action plan? And did it really have central responsibility for making budgetary allocations for children's aid programmes?

10. She asked whether the Convention had been translated into languages other than Hungarian, and what was the Government's policy on bringing the text of the Convention to the attention of the general public and children in particular. She requested detailed information about the debate surrounding the advisability of appointing a special ombudsman for children. With regard to regulations relating to children's rights, she drew the delegation's attention to the risks inherent in the fragmentation of provisions on the rights of the child and to the advantages of a holistic approach and the implementation of a general action plan.

11. Mr. KOLOSOV asked whether instruction in human rights, especially the rights of the child, was given in Hungarian schools and whether all teachers were qualified to provide such instruction. He also wished to know whether the Hungarian Government had endorsed the amendment to the Convention on the Rights of the Child which would raise the number of Committee members to 18.

12. Mr. HERCZEGH (Hungary) said that children and young people had been the chief victims of the mistakes which Hungary had undoubtedly made during the transitional period, when GDP had fallen by 20 per cent and the country had had half a million people out of work. So henceforth government programmes must not be overambitious and must take account of the country's actual resources. To that end, the Government had set up two institutions to coordinate the application, and monitor observance, of the rights of the child. The first, the Coordination Council for Children and Youth Affairs, established in December 1994 and chaired by the Prime Minister, comprised representatives of seven central-government ministries. Its purpose was to offer the relevant ministries a consultation forum and coordinate government policy on young people. The second, the Council for the Reconciliation of Youth and Children's Interests, was a tripartite body bringing together representatives of ministries, youth movements and NGOs active in that field. The Government and Parliament could not examine an issue which had a bearing on children's interests without consulting both bodies beforehand. The two councils reflected the process set in motion to promote legal conditions which would ensure the application of the constitutional principles relating to the protection of children and young people and respect for the guarantees accompanying State action in support of children and young people. Similar machinery was being set up at local-authority level.

13. With regard to the harmonization of legislation with the Convention, he said that all the principles enshrined in the Convention were likewise embodied in national legislation, but he would nevertheless like to hear the Committee's opinion about the desirability of drafting one or more specific laws on children. Comparing previous and current practice, he pointed out that his country had deliberately opted for a democratic system, although it was not yet able to enjoy all the intrinsic social benefits of that system.

14. He acknowledged that in Hungary the definition of the child and of a young person was not very precise, but the Council of Europe had not provided a rigid definition of those terms either and the members of the European Union had not arrived at a common position on the question.

15. Replying to Mr. Kolosov, he said that the rights of the child were taught by families, by schools and at the workplace. A small handbook on the exercise of their rights by children had been distributed in all Hungarian schools, together with the text of Convention.

16. Turning to the question of the Roma, he said that the Rom population had settled in Hungary in the fourteenth century and the issue was too complex to be dealt with in a few words. He nevertheless noted that, in the opinion of experts, affirmative action in support of the Roma was not conducive to the establishment of a democratic society. For example, a government decree forbade the police to use the word "gypsy", and keeping statistics on the social situation of the Roma was prohibited. Hungary had four groups of Roma, all with different traditions. Despite the numerous difficulties, efforts were being made to integrate Rom children within the national school system through subsidies for food, textbooks, etc.

17. As far as local authorities were concerned, the Coordination Council had seen to it that 200 million Hungarian forint had been made available to some 2,000 municipalities over the previous two years, to be spent on programmes for children and young people. Furthermore, leisure activities had been launched in partnership with local authorities. For example, under a programme which had been suspended from 1989 to 1996, 500,000 Hungarian children had been able to attend holiday camps during the summer of 1997 and that number could rise to almost 1 million in 1998. The programme was important as it was a means of ensuring that children did not hang about on the street or at home outside term-time. Lastly, as had been the case until 1989, local authorities again had a youth and children's service.

18. Mr. János SZABÓ (Hungary) said that after the fall of communism the changes required in policy relating to young people had had to be made in two stages. The first involved doing away with the old structure, and the second involved creating a new system which took account of market-economy principles and the fact that Hungary was now a pluralist parliamentary democracy. Having reached the second stage, the Hungarian authorities were now making efforts to establish a decentralized, independent system of institutions with strong government support. The system's future would depend on the resources at Hungary's disposal.

19. The preparation of statistics involved real difficulties, owing to the way in which age groups were defined in Hungary. The Hungarian statistical services had decided to use an age-group classification that met the needs of main users, which included the Ministry of Health and the Ministry of Education.

20. Mrs. SZEGÓ BOKORNÉ (Hungary), replying to the questions asked about harmonization between the Convention and national legislation, said that the international instruments ratified by Hungary could not be applied automatically in Hungarian law, and that a law would therefore have to be passed enabling the provisions of a ratified international instrument to be incorporated into national legislation. Nevertheless, article 7 of the Constitution required the State to harmonize national laws with the provisions of the international instruments to which Hungary was a party and, in that regard, the provisions of the Convention and those of the national laws relating to the rights of the child were completely consistent.

21. Hungary had an ombudsman, a deputy ombudsman, an ombudsman responsible for data protection and an ombudsman for minorities. The question of a new ombudsman appointed by Parliament to take responsibility for the rights of children was still under discussion. At present, if a complaint being considered by an ombudsman partly concerned a matter relating to children's rights, the issue was addressed in a separate part of the report that was prepared once the complaint had been fully examined. Lastly, the Hungarian authorities were aware that there were plans to supplement the Convention with optional protocols. As before, Hungary would comply fully with any new provisions that were adopted.

22. The CHAIRPERSON thanked the members of the delegation for their initial replies and invited them to reply to Committee members' questions that were still outstanding. For her part, concerning the harmonization of the provisions of national legislation with the Convention, she pointed out that

the Committee on the Rights of the Child, and not the European Parliament, was responsible for determining whether a State party should adopt supplementary measures in order to reflect the provisions of the Convention more fully in national legislation. She felt that Hungary had not yet adopted all the measures that it should in that area. For example, no legislation had been approved on the right of association, and many other provisions of the Convention had yet to be made applicable in law. Finally, she would like to know what plans of action had been prepared by the Coordination Council for Children and Youth Affairs and what preventive measures the Government had taken, given the fact that it was preventive measures which provided the most effective means of implementing the rights set forth in the Convention.

23. Mr. KOLOSOV, returning to the question of the teaching of human rights and the rights of the child, acknowledged that the mass media could play an important role. However, examination of the content of the General Assembly resolutions concerning the United Nations Decade for Education in Human Rights revealed that the mass media did not always fulfil that role satisfactorily. He would therefore like to know how children were educated on that subject. Did children's rights feature in the school curriculum and how many hours were devoted to studying them? Was such teaching entrusted to a specialist in children's rights issues or to another teacher?

24. On the problem of statistics, it was true that the Convention recognized the right of States parties to set the age of majority at less than 18 years, and that the child's age of legal capacity varied from country to country. Nevertheless, the Committee members could hardly do their work without accurate statistics on persons up to the age of 18, broken down by age groups.

25. Concerning harmonization between the Convention and national legislation, he said that the provisions of an international instrument were sometimes changed in the law which had to be adopted in order to incorporate the instrument into national legislation. That being so, the provisions of the Convention might be interpreted in a particular way in order that they might be better adapted to a country's specific needs. It then became necessary to compare such an interpretation with that of the Committee. By way of example, he referred to the provisions of article 28 of the Convention on the child's right to education, and wondered whether its provisions had been incorporated directly into national legislation or had been changed. Also, did the child have the right to come into contact with other cultures or to choose his religion from a certain age?

26. Mrs. PALME said she had been very impressed by the work of the Coordination Council for Children and Youth Affairs and the Council for the Reconciliation of Youth and Children's Interests. They were entirely new institutions which placed the interests of children at the heart of decisions that concerned them. Had the Coordination Council considered the possible impact of measures adopted by the European Union (EU) member States on the situation of children in Hungary?

27. Mr. RABAH said he would like to know more about measures taken to strengthen dialogue between the Coordination Council, which comprised representatives of seven ministries, and NGOs. He also inquired as to the reasons why the Hungarian authorities made no distinction between children and young people, given the fact that needs varied according to age group.

28. Mr. HERCZEGH (Hungary) said that statistics did exist on persons below the age of 18, and that they were broken down into the following age groups: 0 to 6 years, 6 to 10, 11 to 14, and 15 to 18. The reason why that age group classification had not been used in dialogue between the Coordination Council and NGOs was that the latter were not all necessarily concerned with children aged under 18. Some only dealt with children under 15, others with children aged under 10, others with young people up to the age of 25, etc. Moreover, it should be borne in mind that, among the EU member States, different opinions were to be found in Governments, parliaments, intergovernmental organizations and NGOs. For example, in the Council of Europe Hungary had advocated lowering the voting age from 18 to 16 in order to allow young people greater practical involvement in their country's public affairs, in accordance with the spirit of the Convention. However, the majority of EU member States had opposed that idea. He wondered whether, in the suggestions and recommendations it made to his Government, the Committee might mention how useful and appropriate it considered such a proposal.

29. With regard to the role of the Coordination Council, he said that it prepared strategic plans, programmes and guidelines concerning the rights of children, but could not solve all the problems on its own, and had to take particular account of the actual situation in Hungary. Thus, it might happen that, for various reasons, the Ministry of Finance and the Ministry of Education, which were both represented on the Council, adopted opposing positions on certain points. In that case the Council had to intervene in order to reconcile the interests of the two parties and ensure that the collective efforts made produced a positive outcome. The Coordination Council had recently adopted a detailed prevention strategy involving various ministries, including the Ministries of Finance, the Interior and Defence. Considerable funding had been allocated for implementing the strategy, and every educational establishment in the country now had to include all its elements in their curricula. Also, members of the police force were contributing to the teaching of prevention programmes by going to schools and colleges to explain in practical terms the risks associated with drug-trafficking, alcoholism and crime. All students in the Pedagogical Institute were required to study the provisions and principles of the Convention and learn how to apply them in their future profession.

30. The Hungarian authorities did their best to ensure that children were fully informed of their rights. In most primary and secondary schools there were independent pupil committees responsible for ensuring that children's rights were respected in practice. Of course, that was not always automatically the case. For example, although in practice children aged under 18 enjoyed the right of association, they did not have the right to register their association for the simple reason that they were not authorized to open a bank account. As to freedom of religion, children generally adopted their parents' religion, but on attaining the age of majority they were entirely free to choose other faiths.

31. Mrs. SZEGÓ BOKORNÉ (Hungary) said that Hungary was certainly experiencing difficulties in fulfilling its obligations under the Convention, on account of the limited resources at its disposal. Nevertheless, the Hungarian Foundation for Human Rights had done its best to obtain as much funding as possible from the Government and, with the help of international

organizations, appreciable results had been achieved. Thus, thanks to resources provided by the United Nations, the texts of all the international human rights instruments had been translated into Hungarian, and with the help of the Canadian Embassy in Hungary, the United Nations brochure entitled "ABC: teaching human rights" had been translated into Hungarian and 5,000 copies distributed to schools and colleges. In addition, the Hungarian Committee for Human Rights published a brochure entitled "Acta Humana", whose latest edition contained a long article on the Convention and the Committee's work. Admittedly, efforts were still limited and would have to be stepped up, but it should be emphasized that the preparatory stage of the legislation was now over and that considerable activity had recently been undertaken in order to make wider Hungarian society aware of human rights issues.

32. With regard to the question on specialization among teachers, she said that it was the teachers themselves who, in their respective subjects, provided the necessary instruction on human rights. Thus, a geography teacher would teach the principles relating to globalization, a history teacher would teach how human rights had progressed throughout mankind's development, etc. For that purpose, teaching staff had been receiving training on human rights for three years.

33. Mr. HERCZEGH (Hungary) said, in connection with the monitoring of implementation of the Convention, that during the preparation of Hungary's initial report the Coordination Council had consulted many NGOs, which received great encouragement in their activities in support of children's rights. In addition, the Sub-Committee on Youth of the Parliamentary Committee for Education, Science, Youth and Sports requested a report every year on more than 20 issues relating to children's rights, including implementation of the Convention, and the NGOs were the first bodies to be consulted.

34. Mr. János SZABÓ (Hungary) added that after the change of governmental system social surveys on young people had not been resumed until 1996; workshops had been held at the initiative of the Prime Minister's Office.

35. Mr. HERCZEGH (Hungary), replying to a question by Mr. Kolosov, said that, according to the statistics for 1997, the number of young people in Hungary under the age of 18 was 2,165,341. Budgetary allocations to implement the programmes supervised directly by the Coordination Council amounted to 1.5 billion Hungarian forint, and in accordance with the governmental decree setting up the Council, 95 per cent of those allocations were used directly for implementing programmes to help young people, administrative expenses being passed down to the greatest possible extent. The subsidized activities included children's holiday camps, prevention programmes, information campaigns by NGOs, international exchange programmes, campaigns to promote tolerance and combat racism and xenophobia, and folkloric and cultural activities organized by schools and religious associations. The funds allocated for children and young people had been increased considerably in recent years thanks to the overall economic growth in Hungary, the youth budget having grown by almost 12 per cent since 1996. Local authorities also received a proportion - albeit very small - of State funding for children and young people. The Government tried not to impose strict conditions on local authorities' organization of their programmes for children and young people in

order to maintain regional independence and identity. Instead, it attempted to ensure that the grants given by the Coordination Council were used in a fully transparent manner for the benefit of children and young people.

36. In the field of information, Hungary had a special institution which provided experts, professionals and heads of NGOs with training in the concepts of good citizenship, and naturally the Convention occupied a special place in its information sessions. In that regard, his Government would like to coordinate activities with similar institutions throughout Europe, with the aim of promoting scientific research and essential training for the defenders of children's rights.

37. Mr. János SZABÓ (Hungary) said that the proportion of the Government's budget devoted to children amounted to 14 billion forint. By comparison, out of the total budget of 1,500 billion forint, 14 billion forint was earmarked for education, and in 1997 the defence budget had amounted to 67 billion forint.

38. Mrs. WELLER (Hungary) said that the Convention on the Rights of the Child had been incorporated into Hungary's national legislation and that its provisions could be invoked directly in the courts, which could also take the initiative in invoking those provisions. All Hungary's laws relating to the family, the penal system, the judicial system, etc. had been harmonized with the Convention, and the Protection of Children Act, adopted in 1997, spelled out children's rights as they were established in the Convention. Recent proposals had been made to recodify children's rights, but rather than draft new legislation, it had been considered preferable to establish new mechanisms for monitoring the implementation of children's rights. Consequently, a proposal had been made to introduce, in preference to an ombudsman service, a service for defending children's rights which would be more accessible to those involved and be able to provide services locally, in schools for example, when required. The text was being examined as part of the preparation of a new law on the exercise of children's rights.

39. The CHAIRPERSON said that the Committee had thus completed consideration of the first part of the list of issues (General measures of implementation).

The meeting rose at 1 p.m.